

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 14

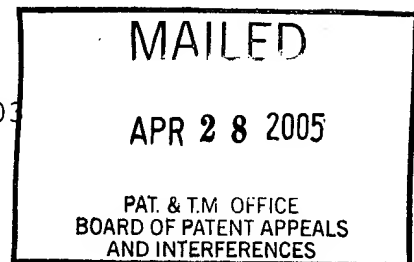
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ALTO STEMMER, RAINER KAIM, and THOMAS KLUGE

Appeal No. 2005-0016
Application No. 09/710,903

HEARD: APRIL 20, 2005



Before HAIRSTON, JERRY SMITH, and GROSS, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims
1 through 3.

The disclosed invention relates to a method of altering a
protocol in a magnetic resonance apparatus by displaying how a
modification of a first operating parameter will affect a second

operating parameter of the magnetic resonance apparatus. The user of the magnetic resonance apparatus is given the option to either confirm or reject selection of a new value for the first operating parameter.

Claim 1 is the only independent claim on appeal, and it reads as follows:

1. A method for altering a protocol in a magnetic resonance apparatus comprising the steps of:
 - (a) displaying a display presentation at a user interface for a magnetic resonance apparatus containing a first parameter in a protocol for operating the magnetic resonance apparatus to obtain magnetic resonance data and a second parameter in said protocol for operating the magnetic resonance apparatus;
 - (b) in said display presentation, showing a range of values for said first parameter including designating a first sub-range within said range wherein selection of a value does not modify said second parameter, and a second sub-range within said range wherein selection of a value causes modification of said second parameter;
 - (c) if a value for said first parameter is selected in said second sub-range, automatically showing in said display presentation how the value selected for said first parameter will modify said second parameter; and

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- (d) giving a user an option in said display presentation to confirm selection of said value selected for said first parameter or to reject selection of said value selected for said first parameter, via said user interface.

The references relied on by the examiner are:

Kuc et al. (Kuc)	5,594,849	Jan. 14, 1997
Hayes et al. (Hayes)	6,366,834	Apr. 2, 2002
		(filed Jun. 8, 2000)

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kuc.

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kuc in view of Hayes.

Reference is made to the briefs (paper numbers 6 and 8) and the answer (paper number 7) for the respective positions of the appellants and the examiner.

OPINION

We have carefully considered the entire record before us, and we will reverse the anticipation rejection of claims 1 and 2, and reverse the obviousness rejection of claim 3.

Anticipation is established only when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of a claimed invention as well as disclosing structure which is capable of performing the

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recited functional limitations. RCA Corp. v. Applied Digital Data Sys., Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir.), cert. dismissed, 468 U.S. 1228 (1984); W.L. Gore & Assocs. v. Garlock, Inc., 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

In the statement of the rejection of claim 1 (answer, pages 3 and 4), the examiner directs our attention to Figure 11 and column 10, lines 15 through 33 of Kuc.

Appellants argue (reply brief, pages 1 and 2) that:

All of the portions of the Kuc et al[.] reference relied upon by the Examiner, however, relate exclusively to the generation of the biomagnetic image, using SQUIDS [Superconducting Quantum Interference Device]. The use of the SQUIDS has absolutely nothing whatsoever to do with the magnetic resonance image, which is obtained separately. The mere fact that the magnetic resonance image can be superimposed with the biomagnetic image does not justify any "transfer" of the teachings in the Kuc et al[.] reference that are exclusively directed to the generation of the biomagnetic image, over to the magnetic resonance image. As extensively discussed in the present Appeal Brief, a magnetic resonance image is produced in a completely different manner from a biomagnetic image, and there is absolutely no relationship, either on a physical basis or a conceptual basis, between these two different types of images, and the different physical phenomena that underlie the generation of these two different types of images.

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In view of the teaching in Kuc (column 1, lines 51 through 53) that "[t]he above-described biomagnetic measuring apparatus should not be confused with magnetic resonance imaging (MRI) . . . , " we agree with appellants' arguments. More importantly, we agree with appellants' argument that the method steps of claim 1 are not described in the referenced portion of Kuc that describes how current dipoles 19 in a designated area 24 on screen 22 can be shown in a magnified state on an adjacent screen 23 in display 10. Thus, the anticipation rejection of claims 1 and 2 is reversed for lack of a showing that Kuc discloses any of the claimed method steps.

The obviousness rejection of claim 3 is reversed because Hayes does not cure the noted shortcoming in the teachings of Kuc.

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DECISION

The decision of the examiner rejecting claims 1 and 2 under 35 U.S.C. § 102(b) is reversed, and the decision of the examiner rejecting claim 3 under 35 U.S.C. § 103(a) is reversed.

REVERSED

~~Kenneth W. Hairston~~
KENNETH W. HAIRSTON
Administrative Patent Judge

Jerry Smith
JERRY SMITH
Administrative Patent Judge

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